



Ordinance Number 536

AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWN OF ELSMERE CONCERNING USES PERMITTED IN THE GENERAL INDUSTRIAL (GI) DISTRICT

Sponsored By: 2nd District Councilman Steven Burg

First and Second Reading: June 09, 2011

Results: _____

Third and Final Reading: July 14, 2011

Results: _____

ORDINANCE 536

AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWN OF ELSMERE PERMITTING A SINGLE RESIDENTIAL DWELLING UNIT AS AN ACCESSORY USE IN THE GENERAL INDUSTRIAL DISTRICT (GI)

WHEREAS, residential dwelling units are currently a prohibited use in the General Industrial zoning district under the existing zoning code; and

WHEREAS, owners of industrially-zoned land can benefit from the inclusion of a single residential dwelling unit on such land through added security and a 24-hour presence on the property; and

WHEREAS, The Mayor and Council wish to make the inclusion of a single, accessory dwelling unit permissible on land zoned General Industrial (GI), subject to certain minimum criteria and the approval of a Special Exception from the Board of Adjustment.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

Section 1. Chapter 225, Section 225-21(C) of the Code of the Town of Elsmere, entitled “Special Exception Uses”, is hereby amended by the addition of the following subparagraph (4) as set forth below:

(4) a single residential dwelling unit as an accessory use, subject to the following additional requirements:

(i) the residential dwelling unit may only be established in an existing building on the property;

(ii) the resident of the dwelling unit must be an employee of the owner of the property or of the business located on the property;

(iii) such an accessory dwelling unit may not exceed six hundred (600) square feet within the existing building and must contain cooking and bathroom facilities for the exclusive use of the resident of the dwelling unit; and

(iv) such accessory dwelling unit must receive a certificate of occupancy from the Town of Elsmere.

Section 2. Chapter 225, Section 225-21(C)(8)(f) of the Code of the Town of Elsmere is hereby amended by deleting the subparagraph in its entirety.

June 09, 2011
First and Second Reading

July 14, 2011
Third and Final Reading

Deborah A. Norkavage, Mayor

Joann I. Personti, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS

ORDINANCE 536

This Ordinance amends Chapter 225 of the Code of the Town of Elsmere by permitting the establishment of a single residential dwelling unit within an existing building on property located in the General Industrial District subject to obtaining approval of the Board of Adjustment as a Special Exception.

Fiscal Impact:

This ordinance should have limited fiscal impact associated with fees generated through the Special Exception process and the receipt of a certificate of occupancy.